

Calendar No. 281

104TH CONGRESS
1ST Session

S. 342

[Report No. 104-188]

A BILL

To establish the Cache La Poudre River National
Water Heritage Area in the State of Colorado,
and for other purposes.

DECEMBER 15, 1995

Reported with an amendment

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 2 (legislative day, JANUARY 30), 1995

Mr. BROWN introduced the following bill; which was read twice and referred
to the Committee on Energy and Natural Resources

DECEMBER 15, 1995

Reported by Mr. MURKOWSKI, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To establish the Cache La Poudre River National Water
Heritage Area in the State of Colorado, and for other
purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Cache La Poudre River
5 National Water Heritage Area Act”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds that—

3 (1) the Cache La Poudre River Basin rep-
4 resents a nationally significant historical, rec-
5 reational, scenic, cultural, natural, economic, and
6 scientific resource;

7 (2) sites and structures within the Cache La
8 Poudre River Basin symbolize in physical form—

9 (A) the development and management of
10 water resources critical to the westward expan-
11 sion of the Nation; and

12 (B) the sociocultural evolution of a work-
13 ing river from aboriginal tribes, through—

14 (i) early exploration;

15 (ii) 19th century settlement;

16 (iii) development of a water dependent
17 agricultural economy; and

18 (iv) an ongoing transition to present
19 day urban development;

20 (3) the Cache La Poudre River National Water
21 Heritage Area will represent the first working river,
22 within the National Park Service's management
23 theme of the history of water development and river
24 basin management in the westward expansion of the
25 United States, that will demonstrate the historical,

present, and future utilization of a river in the development of the western United States;

(4) establishment of a Cache La Poudre River National Water Heritage Area will provide a unique opportunity to observe and understand the utilization of a working river as societal needs and demands change, both in a historical context, and as development and use of the Cache La Poudre River change in the future;

(5) establishment of a Cache La Poudre River National Water Heritage Area will provide for the maintenance and development of needed recreational and natural open space necessary to the urban environment; and

(6) despite efforts by State agencies, political subdivisions of the State, volunteer organizations, and private businesses, the cultural, historical, educational, and recreational resources of the Cache La Poudre River Basin have not realized full potential and may be lost without assistance from the Federal Government.

(b) PURPOSES.—The purposes of this Act are to—

(1) retain, enhance, and interpret, for the educational and inspirational benefit of present and future generations, the unique and significant con-

1 tributions to our national heritage of cultural and
2 historical lands, waterways, and structures within
3 the Cache La Poudre River Basin;

4 (2) provide an interpretive and management
5 framework that may be used by present and future
6 generations to observe how the changing and grow-
7 ing needs of all the various water users within the
8 Basin affect the use of the River over time, includ-
9 ing the structural and technological changes made to
10 the various water delivery, water storage, water
11 treatment, wastewater facilities, and stormwater fa-
12 cilities, located within the Basin;

13 (3) provide a framework to assist the State
14 agencies and political subdivisions of the State in the
15 development of a plan to retain, enhance, and inter-
16 pret the significant values (past, present, and fu-
17 ture) of the lands, waters, and structures of the
18 Basin, where feasible, consistent with the present
19 and future development and use of the Cache La
20 Poudre River for all beneficial purposes, as defined
21 by State law; and

22 (4) recognize the special importance of the
23 urban river corridor through Fort Collins, Colorado,
24 in the interpretation and management of the history
25 of water development theme.

1 **SEC. 3. DEFINITIONS.**

2 As used in this Act:

3 (1) AREA.—The term “Area” means the Cache
4 La Poudre River National Water Heritage Area es-
5 tablished by section 4(a).

6 (2) COMMISSION.—The term “Commission”
7 means the Cache La Poudre River National Water
8 Heritage Area Commission established by section
9 5(a).

10 (3) HISTORY OF WATER DEVELOPMENT
11 THEME.—The term “history of water development
12 theme” means the management theme of the Na-
13 tional Park Service relating to the history of water
14 development and river basin management in the
15 westward expansion of the United States.

16 (4) GOVERNOR.—The term “Governor” means
17 the Governor of the State of Colorado.

18 (5) PLAN.—The term “Plan” means the water
19 heritage area interpretation and management plan
20 prepared by the Commission pursuant to section
21 9(a).

22 (6) POLITICAL SUBDIVISION OF THE STATE.—
23 The term “political subdivision of the State” means
24 a political subdivision of the State of Colorado, any
25 part of which is located in or adjacent to the Area,

1 including a county, city, town, water conservancy
2 district, or special district.

3 ~~(7) SECRETARY.—~~The term “Secretary” means
4 the Secretary of the Interior.

5 ~~(8) STATE.—~~The term “State” means the State
6 of Colorado.

7 **SEC. 4. ESTABLISHMENT OF THE CACHE LA POUFRE RIVER**
8 **NATIONAL WATER HERITAGE AREA.**

9 ~~(a) ESTABLISHMENT.—~~To carry out this Act, there
10 is established in the State of Colorado the Cache La
11 Poudre River National Water Heritage Area.

12 ~~(b) BOUNDARIES.—~~The boundaries of the Area shall
13 include those lands generally depicted on the map entitled
14 “Boundary Map, Cache La Poudre River National Water
15 Heritage Area” numbered _____ and dated
16 _____: As soon as practicable
17 after the date of enactment of this Act, the Secretary shall
18 publish in the Federal Register a detailed description and
19 map of the boundaries of the Area.

20 ~~(c) PUBLIC ACCESS TO MAP.—~~The map shall be on
21 file and available for public inspection in—

22 ~~(1)~~ the offices of the Department of the Inte-
23 rior in Washington, District of Columbia;

24 ~~(2)~~ the offices of the National Park Service in
25 Denver, Colorado; and

1 ~~(3)~~ local offices of—

2 (A) the city of Fort Collins;

3 (B) Larimer County;

4 (C) the city of Greeley; and

5 (D) Weld County.

6 ~~(d) ADMINISTRATION.—The Area shall be adminis-~~
7 ~~tered in accordance with this Act.~~

8 **SEC. 5. ESTABLISHMENT OF THE CACHE LA POUDE RIVER**

9 **NATIONAL WATER HERITAGE AREA COMMIS-**

10 **SION.**

11 ~~(a) ESTABLISHMENT.—~~

12 ~~(1) IN GENERAL.—There is established the~~
13 ~~Cache La Poudre River National Water Heritage~~
14 ~~Area Commission.~~

15 ~~(2) FUNCTION.—The Commission shall coordi-~~
16 ~~nate with appropriate Federal, State, and local au-~~
17 ~~thorities in the development and implementation of~~
18 ~~an integrated plan to interpret and manage elements~~
19 ~~of the history of water development theme.~~

20 ~~(b) MEMBERSHIP.—~~

21 ~~(1) COMPOSITION.—The Commission shall be~~
22 ~~composed of 15 members appointed not later than 6~~
23 ~~months after the date of enactment of this Act. Of~~
24 ~~these 15 members—~~

1 (A) 1 member shall be the Director of the
2 National Park Service (who shall be an ex
3 officio member); or a delegate of the Director;

4 (B) 1 member shall be a representative of
5 the Forest Service, appointed by the Secretary
6 of Agriculture; which member shall be an ex
7 officio member;

8 (C) 3 members shall be recommended by
9 the Governor and appointed by the Secretary;
10 of whom—

11 (i) 1 member shall represent the
12 State;

13 (ii) 1 member shall represent Colo-
14 rado State University in Fort Collins; and

15 (iii) 1 member shall represent the
16 Northern Colorado Water Conservancy
17 District;

18 (D) 6 members shall be representatives of
19 local governments who are recommended by the
20 Governor and appointed by the Secretary, of
21 whom—

22 (i) 1 member shall represent the city
23 of Fort Collins;

24 (ii) 2 members shall represent
25 Larimer County;

1 (iii) 1 member shall represent the city
2 of Greeley;

3 (iv) 2 members shall represent Weld
4 County; and

5 (v) 1 member shall represent the city
6 of Loveland; and

7 (E) 3 members shall be recommended by
8 the Governor and appointed by the Secretary,
9 and shall—

10 (i) represent the general public;

11 (ii) be citizens of the State; and

12 (iii) reside in the area through which
13 the Area extends.

14 (2) CHAIRPERSON.—The chairperson of the
15 Commission shall be elected by the members of the
16 Commission from among members appointed under
17 subparagraph (C), (D), or (E) of paragraph (1). The
18 chairperson shall be elected for a 2-year term.

19 (3) VACANCIES.—A vacancy on the Commission
20 shall be filled in the same manner in which the origi-
21 nal appointment was made.

22 (c) TERMS OF SERVICE.—

23 (1) IN GENERAL.—Except as provided in para-
24 graphs (2) and (3), each member of the Commission

1 shall be appointed for a term of 3 years and may be
2 reappointed.

3 ~~(2) INITIAL MEMBERS.~~—The initial members of
4 the Commission first appointed under subsection
5 ~~(b)(1)~~ shall be appointed as follows:

6 ~~(A) 3-YEAR TERMS.~~—The following initial
7 members shall serve for a 3-year term:

8 (i) The Director of the National Park
9 Service ~~(or the delegate of the Director).~~

10 (ii) 1 representative of Weld County.

11 (iii) 1 representative of Larimer
12 County.

13 (iv) 1 representative of the city of
14 Loveland.

15 (v) 1 representative of the general
16 public.

17 ~~(B) 2-YEAR TERMS.~~—The following initial
18 members shall serve for a 2-year term:

19 (i) The representative of the Forest
20 Service.

21 (ii) The representative of the State.

22 (iii) The representative of Colorado
23 State University.

24 (iv) The representative of the North-
25 ern Colorado Water Conservancy District.

1 ~~(C) 1-YEAR TERMS.—~~The following initial
2 members shall serve for a 1-year term:

3 ~~(i) 1 representative of the city of Fort~~
4 ~~Collins.~~

5 ~~(ii) 1 representative of Larimer~~
6 ~~County.~~

7 ~~(iii) 1 representative of the city of~~
8 ~~Greeley.~~

9 ~~(iv) 1 representative of Weld County.~~

10 ~~(v) 1 representative of the general~~
11 ~~public.~~

12 ~~(3) PARTIAL TERMS.—~~

13 ~~(A) FILLING VACANCIES.—~~A member of
14 the Commission appointed to fill a vacancy oc-
15 ccurring before the expiration of the term for
16 which a predecessor was appointed shall be ap-
17 pointed only for the remainder of the term.

18 ~~(B) EXTENDED SERVICE.—~~A member of
19 the Commission may serve after the expiration
20 of that member's term until a successor has
21 taken office.

22 ~~(d) COMPENSATION.—~~Members of the Commission
23 shall receive no compensation for their service on the Com-
24 mission.

1 (e) TRAVEL EXPENSES.—While away from their
 2 homes or regular places of business in the performance
 3 of services for the Commission, members shall be allowed
 4 travel expenses, including per diem in lieu of subsistence,
 5 in the same manner as persons employed intermittently
 6 in the Government service are allowed expenses under sec-
 7 tion 5703 of title 5, United States Code.

8 **SEC. 6. DIRECTOR AND STAFF OF THE COMMISSION.**

9 (a) IN GENERAL.—

10 (1) DIRECTOR.—

11 (A) IN GENERAL.—Based on recommenda-
 12 tions from the Commission, the Secretary of the
 13 Interior shall appoint a Director who shall carry
 14 out the decisions of the Commission.

15 (B) COMPENSATION.—The Director shall
 16 be compensated at a rate not to exceed the min-
 17 imum rate of basic pay prescribed for level GS-
 18 13 of the General Schedule.

19 (2) STAFF.—

20 (A) IN GENERAL.—The Commission shall
 21 have the power to appoint and fix the com-
 22 pensation of such staff as may be necessary to
 23 carry out the duties of the Commission.

24 (B) APPOINTMENT AND COMPENSATION.—

25 Staff appointed by the Commission—

1 (i) shall be appointed without regard
 2 to the civil service laws and regulations;
 3 and

4 (ii) shall be compensated without re-
 5 gard to the provisions of chapter 51 and
 6 subchapter III of chapter 53 of title 5,
 7 United States Code, relating to classifica-
 8 tion of positions and General Schedule pay
 9 rates.

10 (b) EXPERTS AND CONSULTANTS.—Subject to such
 11 rules as may be adopted by the Commission, the Commis-
 12 sion may procure temporary and intermittent services to
 13 the same extent as is authorized by section 3109(b) of title
 14 5, United States Code, at rates for individuals that do not
 15 exceed the daily equivalent of the annual rate of basic pay
 16 prescribed for level V of the Executive Schedule under sec-
 17 tion 5316 of such title.

18 (c) STAFF OF OTHER AGENCIES.—

19 (1) FEDERAL.—Upon request of the Commis-
 20 sion, the head of a Federal agency may detail, on a
 21 reimbursable basis, any of the personnel of the agen-
 22 cy to the Commission to assist the Commission in
 23 carrying out the Commission's duties. The detail
 24 shall be without interruption or loss of civil service
 25 status or privilege.

1 ~~(2) ADMINISTRATIVE SUPPORT SERVICES.—The~~
 2 Administrator of the General Services Administra-
 3 tion shall provide to the Commission, on a reimburs-
 4 able basis, such administrative support services as
 5 the Commission may request.

6 ~~(3) STATE.—The Commission may—~~

7 ~~(A) accept the services of personnel de-~~
 8 tailed from the State, State agencies, and politi-
 9 cal subdivisions of the State; and

10 ~~(B) reimburse the State, State agency, or~~
 11 political subdivision of the State for the serv-
 12 ices.

13 **SEC. 7. POWERS OF THE COMMISSION.**

14 ~~(a) HEARINGS.—~~

15 ~~(1) IN GENERAL.—The Commission may hold~~
 16 such hearings, sit and act at such times and places,
 17 take such testimony, and receive such evidence as
 18 the Commission considers necessary to carry out this
 19 Act.

20 ~~(2) SUBPOENAS.—The Commission may not~~
 21 issue subpoenas or exercise subpoena authority.

22 ~~(b) ASSISTANCE WITH THEME.—~~

23 ~~(1) IN GENERAL.—The Commission may pro-~~
 24 vide advice, recommendations, and assistance to the
 25 Secretary in the development and implementation of

1 plans for the interpretation of the history of water
2 development theme.

3 ~~(2) COORDINATE.~~—The Commission may co-
4 ordinate the integration of the history of water de-
5 velopment theme with other plans of the Department
6 of the Interior.

7 ~~(c) MAILS.~~—The Commission may use the United
8 States mails in the same manner and under the same con-
9 ditions as other departments and agencies of the Federal
10 Government.

11 ~~(d) MATCHING FUNDS.~~—The Commission may use
12 its funds to obtain money from any source under a pro-
13 gram or law requiring the recipient of the money to make
14 a contribution in order to receive the money.

15 ~~(e) GIFTS.~~—

16 ~~(1) IN GENERAL.~~—Except as provided in sub-
17 section ~~(f)(3)(B)~~, the Commission may, for the pur-
18 pose of carrying out its duties, seek, accept, and dis-
19 pose of gifts, bequests, or donations of money, per-
20 sonal property, or services, received from any source.

21 ~~(2) CHARITABLE CONTRIBUTIONS.~~—For the
22 purpose of section 170(c) of the Internal Revenue
23 Code of 1986, a gift to the Commission shall be
24 deemed to be a gift to the United States for the ben-
25 efit of the Area.

1 ~~(f) REAL PROPERTY.—~~

2 ~~(1) IN GENERAL.—Except as provided in para-~~
 3 ~~graph (2) and except with respect to a leasing of fa-~~
 4 ~~cilities under section 6(c)(2), the Commission may~~
 5 ~~not acquire real property or an interest in real prop-~~
 6 ~~erty.~~

7 ~~(2) EXCEPTION.—Subject to paragraph (3), the~~
 8 ~~Commission may acquire real property in the Area,~~
 9 ~~and interests in real property in the Area—~~

10 ~~(A) by gift or devise;~~

11 ~~(B) by purchase from a willing seller with~~
 12 ~~money that was given or bequeathed to the~~
 13 ~~Commission; or~~

14 ~~(C) by exchange.~~

15 ~~(3) CONVEYANCE TO PUBLIC AGENCIES.—Any~~
 16 ~~real property or interest in real property acquired by~~
 17 ~~the Commission under paragraph (2) shall be con-~~
 18 ~~veyed by the Commission to an appropriate public~~
 19 ~~agency, as determined by the Commission. The con-~~
 20 ~~veyance shall be made—~~

21 ~~(A) as soon as practicable after acquisi-~~
 22 ~~tion;~~

23 ~~(B) without consideration; and~~

24 ~~(C) on the condition that the real property~~
 25 ~~or interest in real property so conveyed is used~~

1 to fulfill the purposes for which the Area is es-
 2 tablished.

3 ~~(g) COOPERATIVE AGREEMENTS.—~~

4 ~~(1) IN GENERAL.—~~For the purpose of carrying
 5 out the Plan, the Commission may enter into cooper-
 6 ative agreements with—

7 ~~(A) Federal agencies;~~

8 ~~(B) State agencies;~~

9 ~~(C) political subdivisions of the State; and~~

10 ~~(D) persons.~~

11 ~~(2) NOTICE.—~~A cooperative agreement shall, at
 12 a minimum, establish procedures for providing no-
 13 tice to the Commission of any action that may affect
 14 the implementation of the Plan and that is proposed
 15 by a—

16 ~~(A) Federal agency;~~

17 ~~(B) State agency;~~

18 ~~(C) political subdivision of the State; or~~

19 ~~(D) person.~~

20 ~~(h) ADVISORY GROUPS.—~~The Commission may es-
 21 tablish such advisory groups as it considers necessary to
 22 ensure open communication with, and assistance from—

23 ~~(1) Federal agencies;~~

24 ~~(2) State agencies;~~

25 ~~(3) political subdivisions of the State; and~~

1 ~~(4) interested persons.~~

2 ~~(i) MODIFICATION OF PLANS.—~~

3 ~~(1) IN GENERAL.—~~The Commission may mod-
4 ify the Plan if the Commission determines that such
5 modification is necessary to carry out this Act.

6 ~~(2) NOTICE.—~~No modification shall take effect
7 until—

8 ~~(A) any Federal agency, State agency, or~~
9 ~~political subdivision of the State that would be~~
10 ~~affected by the modification receives adequate~~
11 ~~notice of, and an opportunity to comment on,~~
12 ~~the modification; and~~

13 ~~(B) if the modification is significant, as de-~~
14 ~~termined by the Commission, the Commission~~
15 ~~has—~~

16 ~~(i) provided adequate notice of the~~
17 ~~modification by publication in the area of~~
18 ~~the Area; and~~

19 ~~(ii) conducted a public hearing with~~
20 ~~respect to the modification.~~

21 ~~(j) AGENCY.—~~A member or agent of the Commission,
22 if so authorized by the Commission, may take any action
23 that the Commission is authorized to take under this Act.

1 **SEC. 8. DUTIES OF THE COMMISSION.**

2 (a) **PLAN.**—The Commission shall prepare, obtain
3 approval for, implement, and support the Plan in accord-
4 ance with section 9.

5 (b) **MEETINGS.**—

6 (1) **TIMING.**—

7 (A) **INITIAL MEETING.**—The Commission
8 shall hold its first meeting not later than 90
9 days after the date on which its last initial
10 member is appointed.

11 (B) **SUBSEQUENT MEETINGS.**—After the
12 initial meeting, the Commission shall meet at
13 the call of the chairperson or 7 of its members,
14 except that the Commission shall meet at least
15 quarterly.

16 (2) **PUBLIC MEETINGS.**—Meetings of the Com-
17 mission shall be subject to section 552b of title 5,
18 United States Code.

19 (3) **QUORUM.**—Ten members of the Commis-
20 sion shall constitute a quorum, but a lesser number
21 of members may hold hearings.

22 (4) **BUDGET.**—The affirmative vote of not less
23 than 10 members of the Commission shall be re-
24 quired to approve the budget of the Commission.

25 (c) **ANNUAL REPORTS.**—Not later than May 15 of
26 each year (other than the year in which this Act is en-

1 acted), the Commission shall publish and submit, to the
 2 Secretary and to the Governor, an annual report concern-
 3 ing the Commission's activities.

4 **SEC. 9. PREPARATION, REVIEW, AND IMPLEMENTATION OF**
 5 **THE PLAN.**

6 ~~(a) PREPARATION OF PLAN.—~~

7 ~~(1) IN GENERAL.—~~Not later than 2 years after
 8 the Commission conducts its first meeting, the Com-
 9 mission shall submit, to the Secretary and to the
 10 Governor, a Water Heritage Area Interpretation and
 11 Management Plan.

12 ~~(2) DEVELOPMENT.—~~In developing the Plan,
 13 the Commission shall—

14 ~~(A) consult on a regular basis with appro-~~
 15 ~~priate officials of any—~~

16 ~~(i) Federal or State agency;~~

17 ~~(ii) political subdivision of the State;~~

18 ~~or~~

19 ~~(iii) local government that has juris-~~
 20 ~~diction over or an ownership interest in~~
 21 ~~land, water, or water rights within the~~
 22 ~~Area; and~~

23 ~~(B) conduct public hearings within the~~
 24 ~~Area for the purpose of providing interested~~

1 persons the opportunity to testify about matters
 2 to be addressed by the Plan.

3 ~~(3) RELATIONSHIP TO EXISTING PLANS.—~~The
 4 Plan—

5 (A) shall recognize any existing Federal,
 6 State, and local plans;

7 (B) shall not interfere with the implemen-
 8 tation, administration, or amendment of the
 9 plans; and

10 (C) to the extent feasible, shall seek to co-
 11 ordinate the plans and present a unified inter-
 12 pretation plan for the Area.

13 ~~(b) REVIEW OF PLAN.—~~

14 ~~(1) IN GENERAL.—~~The Commission shall sub-
 15 mit the Plan to the Governor and to the Secretary
 16 for their review.

17 ~~(2) GOVERNOR.—~~The Governor may review the
 18 Plan and submit the Plan to the Secretary, together
 19 with any recommendations.

20 ~~(3) SECRETARY.—~~The Secretary shall approve
 21 or disapprove the Plan within 90 days. In reviewing
 22 the Plan, the Secretary shall consider the adequacy
 23 of—

24 (A) public participation;

1 (B) assurances of Plan implementation
2 from State and local officials;

3 (C) the Plan in retaining, enhancing, and
4 interpreting, for the educational and inspira-
5 tional benefit of present and future generations,
6 the unique and significant contributions to our
7 national heritage of cultural and historical
8 lands, waterways, and structures within the
9 Area;

10 (D) the Plan in providing the unique op-
11 portunity to observe future utilization of the
12 Cache La Poudre River by all the various water
13 users throughout the Area as user needs change
14 and develop over time;

15 (E) the Plan in ensuring the effective im-
16 plementation of local aspects of the Plan;

17 (F) the financial resources that are in
18 place to implement the Plan; and

19 (G) Plan provisions for continuing over-
20 sight of the Plan implementation by the Gov-
21 ernor, Secretary, and Commission.

22 (c) DISAPPROVAL OF PLAN.—

23 (1) NOTIFICATION BY SECRETARY.—If the Sec-
24 retary disapproves the Plan, the Secretary shall, not
25 later than 60 days after the date of disapproval, ad-

1 vise the Governor and the Commission of the rea-
 2 sons for disapproval, together with recommendations
 3 for revision.

4 (2) REVISION AND RESUBMISSION TO GOV-
 5 ERNOR.—Not later than 90 days after receipt of the
 6 notice of disapproval, the Commission shall revise
 7 and resubmit the Plan to the Governor for review.

8 (3) RESUBMISSION TO SECRETARY.—The Com-
 9 mission shall submit the revised plan, together with
 10 any recommendations the Governor may have, to the
 11 Secretary who shall approve or disapprove the revi-
 12 sion within 60 days.

13 (d) IMPLEMENTATION OF PLAN.—After approval by
 14 the Secretary as provided in subsections (b) and (c), the
 15 Commission shall implement and support the Plan as fol-
 16 lows:

17 (1) CULTURAL RESOURCES.—

18 (A) IN GENERAL.—The Commission shall
 19 assist Federal agencies, State agencies, political
 20 subdivisions of the State, and nonprofit organi-
 21 zations in the conservation and interpretation
 22 (in accordance with the Plan) of cultural re-
 23 sources within the Area.

24 (B) EXCEPTION.—In providing the assist-
 25 ance, the Commission shall in no way infringe

1 upon the authorities and policies of a Federal
2 agency, State agency, or political subdivision of
3 the State concerning the administration and
4 management of property, water, or water rights
5 within the Area.

6 ~~(2) PUBLIC AWARENESS.—~~The Commission
7 shall assist in the enhancement of public awareness
8 of, and appreciation for, the historical, recreational,
9 architectural, and engineering structures in the
10 Area, and the archaeological, geological, and cultural
11 resources and sites in the Area—

12 (A) by encouraging private owners of iden-
13 tified structures, sites, and resources to adopt
14 voluntary measures for the preservation of the
15 identified structure, site, or resource; and

16 (B) by cooperating with Federal agencies,
17 State agencies, and political subdivisions of the
18 State in acquiring, on a willing seller basis, any
19 identified structure, site, or resource.

20 ~~(3) RESTORATION.—~~The Commission may as-
21 sist Federal agencies, State agencies, political sub-
22 divisions of the State, and nonprofit organizations in
23 the restoration of any identified structure or site in
24 the Area. The assistance may include providing tech-

1 nical staff assistance for historic preservation, revi-
 2 talization, and enhancement efforts.

3 (4) INTERPRETATION.—The Commission shall
 4 assist in the interpretation of the historical, present,
 5 and future utilization of the River, and of the devel-
 6 opment of communities adjacent to the Area—

7 (A) by consulting with the Secretary with
 8 respect to the implementation of the Secretary's
 9 duties under section 11;

10 (B) by establishing visitor orientation cen-
 11 ters and other interpretive exhibits within the
 12 urban river corridor portions of the Area;

13 (C) by encouraging voluntary cooperation
 14 and coordination, with respect to ongoing inter-
 15 pretive services in the Area, among—

16 (i) Federal agencies;

17 (ii) State agencies;

18 (iii) political subdivisions of the State;

19 (iv) nonprofit organizations; and

20 (v) private citizens; and

21 (D) by encouraging Federal agencies,
 22 State agencies, political subdivisions of the
 23 State, and nonprofit organizations to undertake
 24 new interpretive initiatives with respect to the
 25 Area.

1 ~~(5) RECOGNITION.—~~The Commission shall as-
 2 sist in establishing recognition for the Area by ac-
 3 tively promoting the cultural, historical, natural, and
 4 recreational resources of the Area on a community,
 5 regional, statewide, national, and international basis.

6 ~~(6) LAND EXCHANGES.—~~The Commission shall
 7 assist in identifying and implementing land ex-
 8 changes by Federal and State agencies that will ex-
 9 pand open space and recreational opportunities with-
 10 in the flood plain of the Area.

11 **SEC. 10. TERMINATION OF THE COMMISSION.**

12 ~~(a) TERMINATION.—~~Except as provided in subsection
 13 ~~(b)~~, the Commission shall terminate 5 years after the date
 14 of approval of the Plan by the Secretary.

15 ~~(b) EXTENSION.—~~The Commission may be extended
 16 for a period of not more than 5 years from the date of
 17 termination established in subsection ~~(a)~~; if, not later than
 18 180 days before that date—

19 ~~(1)~~ the Commission determines that an exten-
 20 sion is necessary in order to carry out this Act;

21 ~~(2)~~ the Commission submits a proposed exten-
 22 sion to the—

23 ~~(A)~~ Committee on Interior and Insular Af-
 24 fairs of the House of Representatives;

1 ~~(B)~~ Committee on Energy and Natural Re-
 2 sources of the Senate; and

3 ~~(C)~~ Secretary of Agriculture; and
 4 ~~(3)~~ the Secretary approves the extension.

5 **SEC. 11. DUTIES OF THE SECRETARY.**

6 ~~(a)~~ REVIEW OF PLAN.—The Secretary shall review
 7 the Plan in accordance with subsections ~~(b)~~ and ~~(c)~~ of sec-
 8 tion 9.

9 ~~(b)~~ ACQUISITION OF LAND.—

10 ~~(1)~~ IN GENERAL.—The Secretary may acquire
 11 land and interests in land within the Area by dona-
 12 tion; purchase with donated or appropriated funds;
 13 or exchange.

14 ~~(2)~~ CONSENT REQUIRED.—No land or interest
 15 in land may be acquired without the consent of the
 16 owner.

17 ~~(c)~~ DEVELOPMENT OF THEME AND INTERPRETIVE
 18 MATERIALS.—Following approval of the Plan as provided
 19 under subsections ~~(b)~~ and ~~(c)~~ of section 9, the Secretary
 20 shall—

21 ~~(1)~~ complete an inventory of sites and struc-
 22 tures of historical, architectural, or engineering sig-
 23 nificance in the Area;

1 (2) complete an inventory of sites and resources
2 of archaeological or geological significance in the
3 Area;

4 (3) develop a thematic structure for the inter-
5 pretation of the heritage of the Area; and

6 (4) design and fabricate interpretive materials
7 based on the thematic structure, including—

8 (A) guide brochures for exploring the Area
9 by automobile, bicycle, boat, foot or other
10 means of transportation considered appropriate;

11 (B) indoor and outdoor visitor displays,
12 which may include video presentations and
13 models, at several locations within the urban
14 river corridor portions of the Area;

15 (C) a mobile display describing the history,
16 development, present, and future use of the
17 Area, to be used in the Area, public buildings,
18 libraries, and schools; and

19 (D) on National Forest System lands in
20 the upper portions of the river basin, features
21 ancillary to the history of water development
22 theme.

23 (d) TECHNICAL ASSISTANCE.—The Secretary shall,
24 upon the request of the Commission, provide technical as-

1 sistance to the Commission in the preparation and imple-
 2 mentation of the Plan pursuant to section 9.

3 (c) ~~PROFESSIONALS ON LOAN.~~—Each fiscal year dur-
 4 ing the existence of the Commission, the Secretary shall
 5 detail to the Commission, on a nonreimbursable basis, 2
 6 employees of the Department of the Interior to enable the
 7 Commission to carry out the Commission's duties under
 8 section 8.

9 **SEC. 12. OTHER FEDERAL ENTITIES.**

10 (a) ~~DUTIES.~~—Subject to section 13, a Federal entity
 11 conducting or supporting activities directly affecting the
 12 flow of the Cache La Poudre River through the Area, or
 13 the natural resources of the Area shall—

14 (1) consult with the Commission with respect to
 15 the activities;

16 (2) cooperate with the Commission in—

17 (A) carrying out the entity's duties in ac-
 18 cordance with established management plans;
 19 and

20 (B) to the extent practicable, coordinating
 21 the activities with the carrying out of the enti-
 22 ty's duties; and

23 (3) to the extent practicable, conduct or support
 24 the activities in a manner consistent with the Plan
 25 and this Act.

1 (b) AUTHORIZATION.—

2 (1) IN GENERAL.—The Secretary or Adminis-
3 trator of a Federal agency may acquire land in the
4 flood plain of the Area by exchange, based on fair
5 market value. Land so acquired shall be used to ful-
6 fill the purposes for which the Area is established.

7 (2) AUTHORIZATION TO CONVEY PROPERTY.—

8 The first sentence of section 203(k)(3) of the Fed-
9 eral Property and Administrative Services Act of
10 1949 (40 U.S.C. 484(k)(3)) is amended by striking
11 “historic monument, for the benefit of the public”
12 and inserting “historic monument or the Cache La
13 Poudre River National Water Heritage Area, for the
14 benefit of the public”.

15 **SEC. 13. EFFECT ON ENVIRONMENTAL AND OTHER STAND-**
16 **ARDS, RESTRICTIONS, AND SAVINGS PROVI-**
17 **SIONS.**

18 (a) EFFECT ON ENVIRONMENTAL AND OTHER
19 STANDARDS.—

20 (1) VOLUNTARY COOPERATION.—In carrying
21 out this Act, the Commission and Secretary shall, to
22 the maximum extent feasible, emphasize voluntary
23 cooperation.

24 (2) RULES, REGULATIONS, STANDARDS, AND
25 PERMIT PROCESSES.—Nothing in this Act shall be

1 considered to impose any environmental, occupa-
2 tional, safety, or other rule, regulation, standard, or
3 permit process that is different from those that
4 would be applicable had the Area not been estab-
5 lished.

6 ~~(3) ENVIRONMENTAL QUALITY STANDARDS.—~~

7 Nothing in this Act shall be considered to impose
8 the application or administration of any Federal or
9 State environmental quality standard that is dif-
10 ferent from those that would be applicable had the
11 Area not been established.

12 ~~(4) WATER STANDARDS.—~~Nothing in this Act

13 shall be considered to impose any Federal or State
14 water use designation or water quality standard
15 upon uses of, or discharges to, waters of the State
16 or waters of the United States, within or adjacent
17 to the Area, that is more restrictive than those that
18 would be applicable had the Area not been estab-
19 lished.

20 ~~(5) PERMITTING OF FACILITIES.—~~Nothing in

21 the establishment of the Area shall abridge, restrict,
22 or alter any applicable rule, regulation, standard, or
23 review procedure for permitting of facilities within or
24 adjacent to the Area.

1 (6) ~~WATER FACILITIES.~~—Nothing in the estab-
 2 lishment of the Area shall affect the continuing use
 3 and operation, repair, rehabilitation, expansion, or
 4 new construction of water supply facilities, water
 5 and wastewater treatment facilities, stormwater fa-
 6 cilities, public utilities, and common carriers.

7 (7) ~~WATER AND WATER RIGHTS.~~—Nothing in
 8 the establishment of the Area shall be considered to
 9 authorize or imply the reservation or appropriation
 10 of water or water rights.

11 (b) ~~RESTRICTIONS ON COMMISSION AND SEC-~~
 12 ~~RETARY.~~—Nothing in this Act shall be construed to vest
 13 in the Commission or the Secretary the authority to—

14 (1) require a Federal agency, State agency, po-
 15 litical subdivision of the State, or private person to
 16 participate in a project or program carried out by
 17 the Commission or the Secretary under this Act;

18 (2) intervene as a party in an administrative or
 19 judicial proceeding concerning the application or en-
 20 forcement of a regulatory authority of a Federal
 21 agency, State agency, or political subdivision of the
 22 State, including authority relating to—

23 (A) land use regulation;

24 (B) environmental quality;

25 (C) licensing;

1 ~~(D)~~ permitting;

2 ~~(E)~~ easements;

3 ~~(F)~~ private land development; or

4 ~~(G)~~ other occupational or access issue;

5 ~~(3)~~ establish or modify a regulatory authority of
6 a Federal agency, State agency, or political subdivi-
7 sion of the State, including authority relating to—

8 ~~(A)~~ land use regulation;

9 ~~(B)~~ environmental quality; or

10 ~~(C)~~ pipeline or utility crossings;

11 ~~(4)~~ modify a policy of a Federal agency, State
12 agency, or political subdivision of the State;

13 ~~(5)~~ establish or modify any authority of the
14 State, State agency, or political subdivision of the
15 State with respect to the acquisition of lands or
16 water, or interest in lands or water;

17 ~~(6)~~ vest authority to reserve or appropriate
18 water or water rights;

19 ~~(7)~~ deny, condition, or restrict the construction,
20 repair, rehabilitation, or expansion of water facili-
21 ties, including stormwater, water, and wastewater
22 treatment facilities; or

23 ~~(8)~~ deny, condition, or restrict the exercise of
24 water rights by other persons.

1 (c) SAVINGS PROVISION.—Nothing in this Act shall
 2 diminish, enlarge, or modify a right of a Federal agency,
 3 State agency, or political subdivision of the State—

4 (1) to exercise civil and criminal jurisdiction
 5 within the Area; or

6 (2) to tax persons, corporations, franchises, or
 7 property, including minerals and other interests in
 8 or on lands or waters within the urban river corridor
 9 portions of the Area.

10 **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) COMMISSION.—

12 (1) IN GENERAL.—There are authorized to be
 13 appropriated \$1,000,000 to the Commission to carry
 14 out this Act.

15 (2) MATCHING FUNDS.—Funds may be made
 16 available pursuant to this section only to the extent
 17 they are matched by equivalent funds or in-kind con-
 18 tributions of services or materials from non-Federal
 19 sources.

20 (b) DEPARTMENT OF THE INTERIOR.—There are au-
 21 thorized to be appropriated annually to the Department
 22 of the Interior such sums as are necessary to carry out
 23 the Secretary's duties under this Act.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Cache La Poudre River*
 3 *National Water Heritage Area Act”.*

4 **SEC. 2. PURPOSE.**

5 *The purpose of this Act is to designate the Cache La*
 6 *Poudre Water National Heritage Area within the Cache La*
 7 *Poudre River Basin and to provide for the interpretation,*
 8 *for the educational and inspirational benefit of present and*
 9 *future generations, of the unique and significant contribu-*
 10 *tions to our national heritage of cultural and historical*
 11 *lands, waterways, and structures within the Area.*

12 **SEC. 3. DEFINITIONS.**

13 *As used in this Act:*

14 (1) *AREA.*—*The term “Area” means the Cache*
 15 *La Poudre River National Water Heritage Area es-*
 16 *tablished by section 4(a).*

17 (2) *COMMISSION.*—*The term “Commission”*
 18 *means the Cache La Poudre River National Water*
 19 *Heritage Area Commission established by section*
 20 *5(a).*

21 (3) *GOVERNOR.*—*The term “Governor” means*
 22 *the Governor of the State of Colorado.*

23 (4) *PLAN.*—*The term “Plan” means the water*
 24 *heritage area interpretation plan prepared by the*
 25 *Commission pursuant to section 9(a).*

1 (5) *POLITICAL SUBDIVISION OF THE STATE.*—

2 *The term “political subdivision of the State” means*
 3 *a political subdivision of the State of Colorado, any*
 4 *part of which is located in or adjacent to the Area,*
 5 *including a county, city, town, water conservancy*
 6 *district, or special district.*

7 (6) *SECRETARY.*—*The term “Secretary” means*
 8 *the Secretary of the Interior.*

9 **SEC. 4. ESTABLISHMENT OF THE CACHE LA POUFRE RIVER**
 10 **NATIONAL WATER HERITAGE AREA.**

11 (a) *ESTABLISHMENT.*—*There is established in the*
 12 *State of Colorado the Cache La Poudre River National*
 13 *Water Heritage Area.*

14 (b) *BOUNDARIES.*—*The boundaries of this Area shall*
 15 *include those lands within the 100-year flood plain of the*
 16 *Cache La Poudre River Basin, beginning at a point where*
 17 *the Cache La Poudre River flows out of the Roosevelt Na-*
 18 *tional Forest and continuing east along said floodplain to*
 19 *a point one quarter of one mile west of the confluence of*
 20 *the Cache La Poudre River and the South Platte Rivers*
 21 *in Weld County, Colorado, comprising less than 35,000*
 22 *acres, and generally depicted as the 100-year flood bound-*
 23 *ary on the Federal Flood Insurance maps listed below:*

24 (1) *FLOOD INSURANCE RATE MAP, LARIMER*
 25 *COUNTY, CO.—Community-Panel No. 080101 0146B,*

1 *April 2, 1979. United States Department of Housing*
 2 *and Urban Development, Federal Insurance Adminis-*
 3 *tration.*

4 (2) *FLOOD INSURANCE RATE MAP, LARIMER*
 5 *COUNTY, CO.—Community-Panel No. 080101 0147B,*
 6 *April 2, 1979. United States Department of Housing*
 7 *and Urban Development, Federal Insurance Adminis-*
 8 *tration.*

9 (3) *FLOOD INSURANCE RATE MAP, LARIMER*
 10 *COUNTY, CO.—Community-Panel No. 080101 0162B,*
 11 *April 2, 1979. United States Department of Housing*
 12 *and Urban Development, Federal Insurance Adminis-*
 13 *tration.*

14 (4) *FLOOD INSURANCE RATE MAP, LARIMER*
 15 *COUNTY, CO.—Community-Panel No. 080101 0163C,*
 16 *March 18, 1986. Federal Emergency Management*
 17 *Agency, Federal Insurance Administration.*

18 (5) *FLOOD INSURANCE RATE MAP, LARIMER*
 19 *COUNTY, CO.—Community-Panel No. 080101 0178C,*
 20 *March 18, 1986. Federal Emergency Management*
 21 *Agency, Federal Insurance Administration.*

22 (6) *FLOOD INSURANCE RATE MAP, LARIMER*
 23 *COUNTY, CO.—Community-Panel No. 080102 0002B,*
 24 *February 15, 1984. Federal Emergency Management*
 25 *Agency, Federal Insurance Administration.*

1 (7) *FLOOD INSURANCE RATE MAP, LARIMER*
 2 *COUNTY, CO.—Community-Panel No. 080101 0179C,*
 3 *March 18, 1986. Federal Emergency Management*
 4 *Agency, Federal Insurance Administration.*

5 (8) *FLOOD INSURANCE RATE MAP, LARIMER*
 6 *COUNTY, CO.—Community-Panel No. 080101 0193D,*
 7 *November 17, 1993. Federal Emergency Management*
 8 *Agency, Federal Insurance Administration.*

9 (9) *FLOOD INSURANCE RATE MAP, LARIMER*
 10 *COUNTY, CO.—Community-Panel No. 080101 0194D,*
 11 *November 17, 1993. Federal Emergency Management*
 12 *Agency, Federal Insurance Administration.*

13 (10) *FLOOD INSURANCE RATE MAP, LARIMER*
 14 *COUNTY, CO.—Community-Panel No. 080101 0208C,*
 15 *November 17, 1993. Federal Emergency Management*
 16 *Agency, Federal Insurance Administration.*

17 (11) *FLOOD INSURANCE RATE MAP, LARIMER*
 18 *COUNTY, CO.—Community-Panel No. 080101 0221C,*
 19 *November 17, 1993. Federal Emergency Management*
 20 *Agency, Federal Insurance Administration.*

21 (12) *FLOOD INSURANCE RATE MAP, LARIMER*
 22 *COUNTY, CO.—Community-Panel No. 080266 0605D,*
 23 *September 27, 1991. Federal Emergency Management*
 24 *Agency, Federal Insurance Administration.*

1 (13) *FLOOD INSURANCE RATE MAP, LARIMER*
 2 *COUNTY, CO.—Community-Panel No. 080264 0005A,*
 3 *September 27, 1991. Federal Emergency Management*
 4 *Agency, Federal Insurance Administration.*

5 (14) *FLOOD INSURANCE RATE MAP, LARIMER*
 6 *COUNTY, CO.—Community-Panel No. 080266 0608D,*
 7 *September 27, 1991. Federal Emergency Management*
 8 *Agency, Federal Insurance Administration.*

9 (15) *FLOOD INSURANCE RATE MAP, LARIMER*
 10 *COUNTY, CO.—Community-Panel No. 080266 0609C,*
 11 *September 28, 1982. Federal Emergency Management*
 12 *Agency, Federal Insurance Administration.*

13 (16) *FLOOD INSURANCE RATE MAP, LARIMER*
 14 *COUNTY, CO.—Community-Panel No. 080266 0628C,*
 15 *September 28, 1982. Federal Emergency Management*
 16 *Agency, Federal Insurance Administration.*

17 (17) *FLOOD INSURANCE RATE MAP, LARIMER*
 18 *COUNTY, CO.—Community-Panel No. 080184 0002B,*
 19 *July 16, 1979. United States Department of Housing*
 20 *and Urban Development, Federal Insurance Adminis-*
 21 *tration.*

22 (18) *FLOOD INSURANCE RATE MAP, LARIMER*
 23 *COUNTY, CO.—Community-Panel No. 080266 0636C,*
 24 *September 28, 1982. Federal Emergency Management*
 25 *Agency, Federal Insurance Administration.*

1 (19) *FLOOD INSURANCE RATE MAP, LARIMER*
 2 *COUNTY, CO.—Community-Panel No. 080266 0637C,*
 3 *September 28, 1982. Federal Emergency Management*
 4 *Agency, Federal Insurance Administration.*

5 *As soon as practicable after the date of enactment of this*
 6 *Act, the Secretary shall publish in the Federal Register a*
 7 *detailed description and map of the boundaries of the Area.*

8 (c) *PUBLIC ACCESS TO MAPS.—The maps shall be on file*
 9 *and available for public inspection in—*

10 (1) *the offices of the Department of the Interior*
 11 *in Washington, District of Columbia, and Denver,*
 12 *Colorado; and*

13 (2) *local offices of the city of Fort Collins,*
 14 *Larimer County, the city of Greeley, and Weld Coun-*
 15 *ty.*

16 ***SEC. 5. ESTABLISHMENT OF THE CACHE LA POUFRE RIVER***
 17 ***NATIONAL WATER HERITAGE AREA COMMIS-***
 18 ***SION.***

19 (a) *ESTABLISHMENT.—*

20 (1) *IN GENERAL.—There is established the Cache*
 21 *La Poudre River National Water Heritage Commis-*
 22 *sion.*

23 (2) *FUNCTION.—The Commission, in consulta-*
 24 *tion with appropriate Federal, State, and local au-*
 25 *thorities, shall develop and implement an integrated*

1 *plan to interpret elements of the history of water de-*
 2 *velopment within the Area.*

3 **(b) MEMBERSHIP.—**

4 **(1) COMPOSITION.—***The Commission shall be*
 5 *composed of 15 members appointed not later than 6*
 6 *months after the date of enactment of this Act. Of*
 7 *these 15 members—*

8 **(A)** *1 member shall be a representative of*
 9 *the Secretary of the Interior which member shall*
 10 *be an ex officio member;*

11 **(B)** *1 member shall be a representative of*
 12 *the Forest Service, appointed by the Secretary of*
 13 *Agriculture, which member shall be an ex officio*
 14 *member;*

15 **(C)** *3 members shall be recommended by the*
 16 *Governor and appointed by the Secretary, of*
 17 *whom—*

18 **(i)** *1 member shall represent the State;*

19 **(ii)** *1 member shall represent Colorado*
 20 *State University in Fort Collins; and*

21 **(iii)** *1 member shall represent the*
 22 *Northern Colorado Water Conservancy Dis-*
 23 *trict;*

24 **(D)** *6 members shall be representatives of*
 25 *local governments who are recommended by the*

1 Governor and appointed by the Secretary, of
2 whom—

3 (i) 1 member shall represent the city of
4 Fort Collins;

5 (ii) 2 members shall represent Larimer
6 County, 1 of which shall represent agri-
7 culture or irrigated water interests;

8 (iii) 1 member shall represent the city
9 of Greeley;

10 (iv) 2 members shall represent Weld
11 County, 1 of which shall represent agricul-
12 tural or irrigated water interests; and

13 (v) 1 member shall represent the city of
14 Loveland; and

15 (E) 3 members shall be recommended by the
16 Governor and appointed by the Secretary, and
17 shall—

18 (i) represent the general public;

19 (ii) be citizens of the State; and

20 (iii) reside within the Area.

21 (2) CHAIRPERSON.—The chairperson of the Com-
22 mission shall be elected by the members of the Com-
23 mission from among members appointed under sub-
24 paragraph (C), (D), or (E) of paragraph (1). The
25 chairperson shall be elected for a 2-year term.

1 (3) *VACANCIES.*—*A vacancy on the Commission*
 2 *shall be filled in the same manner in which the origi-*
 3 *nal appointment was made.*

4 (c) *TERMS OF SERVICE.*—

5 (1) *IN GENERAL.*—*Except as provided in para-*
 6 *graphs (2) and (3), each member of the Commission*
 7 *shall be appointed for a term of 3 years and may be*
 8 *reappointed.*

9 (2) *INITIAL MEMBERS.*—*The initial members of*
 10 *the Commission first appointed under subsection*
 11 *(b)(1) shall be appointed as follows:*

12 (A) *3-YEAR TERMS.*—*The following initial*
 13 *members shall serve for a 3-year term:*

14 (i) *The representative of the Secretary*
 15 *of the Interior.*

16 (ii) *1 representative of Weld County.*

17 (iii) *1 representative of Larimer Coun-*
 18 *ty.*

19 (iv) *1 representative of the city of*
 20 *Loveland.*

21 (v) *1 representative of the general pub-*
 22 *lic.*

23 (B) *2-YEAR TERMS.*—*The following initial*
 24 *members shall serve for a 2-year term:*

1 (i) *The representative of the Forest*
2 *Service.*

3 (ii) *The representative of the State.*

4 (iii) *The representative of Colorado*
5 *State University.*

6 (iv) *The representative of the Northern*
7 *Colorado Water Conservancy District.*

8 (C) *1-YEAR TERMS.—The following initial mem-*
9 *bers shall serve for a 1-year term:*

10 (i) *1 representative of the city of Fort*
11 *Collins.*

12 (ii) *1 representative of Larimer Coun-*
13 *ty.*

14 (iii) *1 representative of the city of*
15 *Greeley.*

16 (iv) *1 representative of Weld County.*

17 (v) *1 representative of the general pub-*
18 *lic.*

19 (3) *PARTIAL TERMS.—*

20 (A) *FILLING VACANCIES.—A member of the*
21 *Commission appointed to fill a vacancy occur-*
22 *ring before the expiration of the term for which*
23 *a predecessor was appointed shall be appointed*
24 *only for the remainder of their term.*

1 (B) *EXTENDED SERVICE*.—A member of the
 2 Commission may serve after the expiration of
 3 that member's term until a successor has taken
 4 office.

5 (d) *COMPENSATION*.—Members of the Commission
 6 shall receive no compensation for their service on the Com-
 7 mission.

8 (e) *TRAVEL EXPENSES*.—While away from their homes
 9 or regular places of business in the performance of services
 10 for the Commission, members shall be allowed travel ex-
 11 penses, including per diem in lieu of subsistence, in the
 12 same manner as persons employed intermittently in the
 13 Government service are allowed expenses under section 5703
 14 of title 5, United States Code.

15 **SEC. 6. STAFF OF THE COMMISSION.**

16 (a) *STAFF*.—The Commission shall have the power to
 17 appoint and fix the compensation of such staff as may be
 18 necessary to carry out the duties of the Commission.

19 (1) *APPOINTMENT AND COMPENSATION*.—Staff
 20 appointed by the Commission—

21 (A) shall be appointed without regard to the
 22 city service laws and regulations; and

23 (B) shall be compensated without regard to
 24 the provisions of chapter 51 and subchapter III
 25 of chapter 53 of title 5, United States Code, re-

1 *lating to classification of positions and General*
 2 *Schedule pay rates.*

3 **(b) EXPERTS AND CONSULTANTS.**—*Subject to such*
 4 *rules as may be adopted by the Commission, the Commis-*
 5 *sion may procure temporary and intermittent services to*
 6 *the same extent as is authorized by section 3109(b) of title*
 7 *5, United States Code, at rates for individuals that do not*
 8 *exceed the daily equivalent of the annual rate of basic pay*
 9 *prescribed for level V of the Executive Schedule under sec-*
 10 *tion 5316 of such title.*

11 **(c) STAFF OF OTHER AGENCIES.**—

12 **(1) FEDERAL.**—*Upon request of the Commission,*
 13 *the head of a Federal agency may detail, on a reim-*
 14 *bursement basis, any of the personnel of the agency to*
 15 *the Commission to assist the Commission in carrying*
 16 *out the Commission's duties. The detail shall be with-*
 17 *out interruption or loss of civil service status or*
 18 *privilege.*

19 **(2) ADMINISTRATIVE SUPPORT SERVICES.**—*The*
 20 *Administrator of the General Services Administration*
 21 *shall provide to the Commission, on a reimbursable*
 22 *basis, such administrative support services as the*
 23 *Commission may request.*

24 **(3) STATE.**—*The Commission may—*

1 (A) accept the service of personnel detailed
 2 from the State, State agencies, and political sub-
 3 divisions of the State; and

4 (B) reimburse the State, State agency, or
 5 political subdivision of the State for such serv-
 6 ices.

7 **SEC. 7. POWERS OF THE COMMISSION.**

8 (a) *HEARINGS.*—

9 (1) *IN GENERAL.*—The Commission may hold
 10 such hearings, sit and act at such times and places,
 11 take such testimony, and receive such evidence as the
 12 Commission considers necessary to carry out this Act.

13 (2) *SUBPOENAS.*—The Commission may not
 14 issue subpoenas or exercise any subpoena authority.

15 (b) *MAILS.*—The Commission may use the United
 16 States mails in the same manner and under the same condi-
 17 tions as other departments and agencies of the Federal Gov-
 18 ernment.

19 (c) *MATCHING FUNDS.*—The Commission may use its
 20 funds to obtain money from any source under a program
 21 or law requiring the recipient of the money to make a con-
 22 tribution in order to receive the money.

23 (d) *GIFTS.*—

24 (1) *IN GENERAL.*—Except as provided in sub-
 25 section (e)(3), the Commission may, for the purpose

1 *of carrying out its duties, seek, accept, and dispose of*
 2 *gifts, bequests, or donations of money, personal prop-*
 3 *erty, or services, received from any source.*

4 (2) *CHARITABLE CONTRIBUTIONS.*—*For the pur-*
 5 *pose of section 170(c) of the Internal Revenue Code of*
 6 *1986, a gift to the Commission shall be deemed to be*
 7 *a gift to the United States.*

8 (e) *REAL PROPERTY.*—

9 (1) *IN GENERAL.*—*Except as provided in para-*
 10 *graph (2) and except with respect to a leasing of fa-*
 11 *cilities under section 6(c)(2), the Commission may*
 12 *not acquire real property or an interest in real prop-*
 13 *erty.*

14 (2) *EXCEPTION.*—*Subject to paragraph (3), the*
 15 *Commission may acquire real property in the Area,*
 16 *and interests in real property in the Area—*

17 (A) *by gift or devise;*

18 (B) *by purchase from a willing seller with*
 19 *money that was given or bequeathed to the Com-*
 20 *mission; or*

21 (C) *by exchange.*

22 (3) *CONVEYANCE TO PUBLIC AGENCIES.*—*Any*
 23 *real property or interest in real property acquired by*
 24 *the Commission under paragraph (2) shall be con-*
 25 *veyed by the Commission to an appropriate non-Fed-*

1 *eral public agency, as determined by the Commission.*

2 *The conveyance shall be made—*

3 *(A) as soon as practicable after acquisition;*

4 *(B) without consideration; and*

5 *(C) on the condition that the real property*

6 *or interest in real property so conveyed is used*

7 *in furtherance of the purpose for which the Area*

8 *is established.*

9 *(f) COOPERATIVE AGREEMENTS.—For the purpose of*
 10 *carrying out the Plan, the Commission may enter into co-*
 11 *operative agreements with Federal agencies, State agencies,*
 12 *political subdivisions of the State, and persons. Any such*
 13 *cooperative agreement shall, at a minimum, establish proce-*
 14 *dures for providing notice to the Commission of any action*
 15 *that may affect the implementation of the Plan.*

16 *(g) ADVISORY GROUPS.—The Commission may estab-*
 17 *lish such advisory groups as it considers necessary to ensure*
 18 *open communication with, and assistance from Federal*
 19 *agencies, State agencies, political subdivisions of the State,*
 20 *and interested persons.*

21 *(h) MODIFICATION OF PLANS.—*

22 *(1) IN GENERAL.—The Commission may modify*
 23 *the Plan if the Commission determines that such*
 24 *modification is necessary to carry out this Act.*

1 (2) *NOTICE.*—No modification shall take effect
2 *until—*

3 (A) *any Federal agency, State agency, or*
4 *political subdivision of the State that may be af-*
5 *ected by the modification receives adequate no-*
6 *tice of, and an opportunity to comment on, the*
7 *modification;*

8 (B) *if the modification is significant, as de-*
9 *termined by the Commission, the Commission*
10 *has—*

11 (i) *provided adequate notice of the*
12 *modification by publication in the area of*
13 *the Area; and*

14 (ii) *conducted a public hearing with*
15 *respect to the modification; and*

16 (C) *the Governor has approved the modi-*
17 *fication.*

18 **SEC. 8. DUTIES OF THE COMMISSION.**

19 (a) *PLAN.*—The Commission shall prepare, obtain ap-
20 *proval for, implement, and support the Plan in accordance*
21 *with section 9.*

22 (b) *MEETINGS.*—

23 (1) *TIMING.*—

24 (A) *INITIAL MEETING.*—The Commission
25 *shall hold its first meeting not later than 90*

1 *days after the date on which its last initial*
 2 *member is appointed.*

3 (B) *SUBSEQUENT MEETINGS.*—*After the*
 4 *initial meeting, the Commission shall meet at the*
 5 *call of the chairperson or 7 of its members, ex-*
 6 *cept that the Commission shall meet at least*
 7 *quarterly.*

8 (2) *QUORUM.*—*Ten members of the Commission*
 9 *shall constitute a quorum, but a lesser number of*
 10 *members may hold hearings.*

11 (3) *BUDGET.*—*The affirmative vote of not less*
 12 *than 10 members of the Commission shall be required*
 13 *to approve the budget of the Commission.*

14 (c) *ANNUAL REPORTS.*—*Not later than May 15 of each*
 15 *year, following the year in which the members of the Com-*
 16 *mission have been appointed, the Commission shall publish*
 17 *and submit, to the Secretary and to the Governor, an an-*
 18 *nual report concerning the Commission's activities.*

19 **SEC. 9. PREPARATION, REVIEW, AND IMPLEMENTATION OF**
 20 **THE PLAN.**

21 (a) *PREPARATION OF PLAN.*—

22 (1) *IN GENERAL.*—*Not later than 2 years after*
 23 *the Commission conducts its first meeting, the Com-*
 24 *mission shall submit to the Governor a Water Herit-*
 25 *age Area Interpretation Plan.*

1 (2) *DEVELOPMENT.*—*In developing the Plan, the*
 2 *Commission shall—*

3 (A) *consult on a regular basis with appro-*
 4 *priate officials of any Federal or State agency,*
 5 *political subdivision of the State, and local gov-*
 6 *ernment that has jurisdiction over or an owner-*
 7 *ship interest in land, water, or water rights*
 8 *within the Area; and*

9 (B) *conduct public hearings within the Area*
 10 *for the purpose of providing interested persons*
 11 *the opportunity to testify about matters to be ad-*
 12 *dressed by the Plan.*

13 (3) *RELATIONSHIP TO EXISTING PLANS.*—*The*
 14 *Plan—*

15 (A) *shall recognize any existing Federal,*
 16 *State, and local plans;*

17 (B) *shall not interfere with the implementa-*
 18 *tion, administration, or amendment of such*
 19 *plans; and*

20 (C) *to the extent feasible, shall seek to co-*
 21 *ordinate the plans and present a unified inter-*
 22 *pretation plan for the Area.*

23 (b) *REVIEW OF PLAN.*—

24 (1) *IN GENERAL.*—*The Commission shall submit*
 25 *the Plan to the Governor for his review.*

1 (2) GOVERNOR.—*The Governor may review the*
 2 *Plan and if he concurs in the Plan, may submit the*
 3 *Plan to the Secretary, together with any recommenda-*
 4 *tions.*

5 (3) SECRETARY.—*The Secretary shall approve or*
 6 *disapprove the Plan within 90 days. In reviewing the*
 7 *Plan, the Secretary shall consider the adequacy of—*

8 (A) *public participation; and*

9 (B) *the Plan in interpreting, for the edu-*
 10 *cational and inspirational benefit of present and*
 11 *future generations, the unique and significant*
 12 *contributions to our national heritage of cultural*
 13 *and historical lands, waterways, and structures*
 14 *within the Area.*

15 (c) DISAPPROVAL OF PLAN.—

16 (1) NOTIFICATION BY SECRETARY.—*If the Sec-*
 17 *retary disapproves the Plan, the Secretary shall, not*
 18 *later than 60 days after the date of disapproval, ad-*
 19 *vice the Governor and the Commission of the reasons*
 20 *for disapproval, together with recommendations for*
 21 *revision.*

22 (2) REVISION AND RESUBMISSION TO GOV-
 23 ERNOR.—*Not later than 90 days after receipt of the*
 24 *notice of disapproval, the Commission shall revise*
 25 *and resubmit the Plan to the Governor for review.*

1 (3) *RESUBMISSION TO SECRETARY.*—If the Gov-
 2 ernor concurs in the revised Plan, he may submit the
 3 revised plan to the Secretary who shall approve or
 4 disapprove the revision within 60 days. If the Gov-
 5 ernor does not concur in the revised plan, he may re-
 6 submit it to the Commission together with his rec-
 7 ommendations for further consideration and modi-
 8 fication.

9 (d) *IMPEMENTATION OF PLAN.*—After approval by the
 10 Secretary, the Commission shall implement and support the
 11 Plan as follows:

12 (1) *CULTURAL RESOURCES.*—

13 (A) *IN GENERAL.*—The Commission shall
 14 assist Federal agencies, State agencies, political
 15 subdivisions of the State, and nonprofit organi-
 16 zations in the conservation and interpretation of
 17 cultural resources within the Area.

18 (B) *EXCEPTION.*—In providing the assist-
 19 ance, the Commission shall in no way infringe
 20 upon the authorities and policies of a Federal
 21 agency, State agency, or political subdivision of
 22 the State concerning the administration and
 23 management of property, water, or water rights
 24 held by such agency, political subdivision, or
 25 private persons or entities, or affect the jurisdic-

1 *tion of the State of Colorado over any property,*
2 *water, or water rights within the Area.*

3 (2) *PUBLIC AWARENESS.—The Commission shall*
4 *assist in the enhancement of public awareness of, and*
5 *appreciation for, the historical, recreational, architec-*
6 *tural, and engineering structures in the Area, and the*
7 *archaeological, geological, and cultural resources and*
8 *sites in the Area—*

9 (A) *by encouraging private owners of iden-*
10 *tified structures, sites, and resources to adopt*
11 *voluntary measures for the preservation of the*
12 *identified structure, site, or resource; and*

13 (B) *by cooperating with Federal agencies,*
14 *State agencies, and political subdivisions of the*
15 *State in acquiring, on a willing seller basis, any*
16 *identified structure, site, or resource which the*
17 *Commission, with the concurrence of the Gov-*
18 *ernor, determines should be acquired and held by*
19 *an agency of the State.*

20 (3) *RESTORATION.—The Commission may assist*
21 *Federal agencies, State agencies, political subdivisions*
22 *of the State, and nonprofit organizations in the res-*
23 *toration of any identified structure or site in the Area*
24 *with consent of the owner. The assistance may include*

1 *providing technical assistance for historic preserva-*
 2 *tion, revitalization, and enhancement efforts.*

3 (4) *INTERPRETATION.—The Commission shall*
 4 *assist in the interpretation of the historical, present,*
 5 *and future uses of the Area—*

6 (A) *by consulting with the Secretary with*
 7 *respect to the implementation of the Secretary’s*
 8 *duties under section 11;*

9 (B) *by assisting the State and political sub-*
 10 *divisions of the State in establishing and main-*
 11 *taining visitor orientation centers and other in-*
 12 *terpretive exhibits within the Area;*

13 (C) *by encouraging voluntary cooperation*
 14 *and coordination, with respect to ongoing inter-*
 15 *pretive services in the Area, among Federal*
 16 *agencies, State agencies, political subdivisions of*
 17 *the State, nonprofit organizations, and private*
 18 *citizens, and*

19 (D) *by encouraging Federal agencies, State*
 20 *agencies, political subdivisions of the State, and*
 21 *nonprofit organizations to undertake new inter-*
 22 *pretive initiatives with respect to the Area.*

23 (5) *RECOGNITION.—The Commission shall assist*
 24 *in establishing recognition for the Area by actively*
 25 *promoting the cultural, historical, natural, and rec-*

1 *reational resources of the Area on a community, re-*
 2 *gional, statewide, national, and international basis.*

3 (6) *LAND EXCHANGES.*—*The Commission shall*
 4 *assist in identifying and implementing land ex-*
 5 *changes within the State of Colorado by Federal and*
 6 *State agencies that will expand open space and rec-*
 7 *reational opportunities within the flood plain of the*
 8 *Area.*

9 ***SEC. 10. TERMINATION OF THE COMMISSION.***

10 (a) *TERMINATION.*—*Except as provided in subsection*
 11 *(b), the Commission shall terminate 5 years after the date*
 12 *of approval of the Plan by the Secretary.*

13 (b) *EXTENSION.*—*The Commission may be extended*
 14 *for a period of not more than 5 years from the date of termi-*
 15 *nation established in subsection (a), if, not later than 180*
 16 *days before that date—*

17 (1) *the Commission determines that an extension*
 18 *is necessary in order to carry out this Act;*

19 (2) *the Commission submits a proposed extension*
 20 *to the—*

21 (A) *Governor;*

22 (B) *Committee on Resources of the House of*
 23 *Representatives;*

24 (C) *Committee on Energy and Natural Re-*
 25 *sources of the Senate; and*

1 (D) *Secretary of Agriculture;*

2 (3) *the Governor notifies the Secretary that he*
3 *concurs in the extension, and*

4 (4) *the Secretary approves the extension.*

5 **SEC. 11. DUTIES OF THE SECRETARY.**

6 (a) *ACQUISITION OF LAND.—The Secretary may ac-*
7 *quire land and interests in land within the Area that have*
8 *been specifically identified by the Commission for acquisi-*
9 *tion by the Federal government and that have been ap-*
10 *proved for such acquisition by the Governor and the politi-*
11 *cal subdivision of the State where the land is located by*
12 *donation, purchase with donated or appropriated funds, or*
13 *exchange. Acquisition authority may only be used if such*
14 *lands cannot be acquired by donation or exchange. No land*
15 *or interest in land may be acquired without the consent*
16 *of the owner.*

17 (b) *TECHNICAL ASSISTANCE.—The Secretary shall,*
18 *upon the request of the Commission, provide technical as-*
19 *sistance to the Commission in the preparation and imple-*
20 *mentation of the Plan pursuant to section 9.*

21 (c) *DETAIL.—Each fiscal year during the existence of*
22 *the Commission, the Secretary shall detail to the Commis-*
23 *sion, on a nonreimbursable basis, 2 employees of the De-*
24 *partment of the Interior to enable the Commission to carry*
25 *out the Commission's duties under section 8.*

1 **SEC. 12. OTHER FEDERAL ENTITIES.**

2 (a) *DUTIES.*—Subject to section 13, a Federal entity
3 conducting or supporting activities directly affecting the
4 flow of the Cache La Poudre River through the Area, or
5 the natural resources of the Area shall consult with the
6 Commission with respect to such activities;

7 (b) *AUTHORIZATION.*—

8 (1) *IN GENERAL.*—The Secretary or Adminis-
9 trator of a Federal agency may acquire land in the
10 flood plain of the Area by exchange for other lands
11 within such agency’s jurisdiction within the State of
12 Colorado, based on fair market value: Provided, That
13 such lands have been identified by the Commission for
14 acquisition by a Federal agency and the Governor
15 and the political subdivision of the State or the owner
16 where the lands are located concur in the exchange.
17 Land so acquired shall be used to fulfill the purpose
18 for which the Area is established.

19 (2) *AUTHORIZATION TO CONVEY PROPERTY.*—

20 The first sentence of section 203(k)(3) of the Federal
21 Property and Administrative Services Act of 1949 (40
22 U.S.C. 484(k)(3)) is amended by striking “historic
23 monument, for the benefit of the public” and inserting
24 “historic monument or any such property within the
25 State of Colorado for the Cache La Poudre River Na-

1 *tional Water Heritage Area, for the benefit of the pub-*
 2 *lic”.*

3 **SEC. 13. EFFECT ON ENVIRONMENTAL AND OTHER STAND-**
 4 **ARDS, RESTRICTIONS, AND SAVINGS PROVI-**
 5 **SIONS.**

6 *(a) EFFECT ON ENVIRONMENTAL AND OTHER STAND-*
 7 *ARDS.—*

8 *(1) VOLUNTARY COOPERATION.—In carrying out*
 9 *this Act, the Commission and Secretary shall empha-*
 10 *size voluntary cooperation.*

11 *(2) RULES, REGULATIONS, STANDARDS, AND*
 12 *PERMIT PROCESSES.—Nothing in this Act shall be*
 13 *considered to impose or form the basis for imposition*
 14 *of any environmental, occupational, safety, or other*
 15 *rule, regulation, standard, or permit process that is*
 16 *different from those that would be applicable had the*
 17 *Area not been established.*

18 *(3) ENVIRONMENTAL QUALITY STANDARDS.—*
 19 *Nothing in this Act shall be considered to impose the*
 20 *application or administration of any Federal or*
 21 *State environmental quality standard that is different*
 22 *from those that will be applicable had the Area not*
 23 *been established.*

24 *(4) WATER STANDARDS.—Nothing in this Act*
 25 *shall be considered to impose any Federal or State*

1 *water use designation or water quality standard upon*
 2 *uses of, or discharges to, waters of the State or waters*
 3 *of the United States, within or adjacent to the Area,*
 4 *that is more restrictive than those that would be ap-*
 5 *plicable had the Area not been established.*

6 (5) *PERMITTING OF FACILITIES.*—*Nothing in the*
 7 *establishment of the Area shall abridge, restrict, or*
 8 *alter any applicable rule, regulation, standard, or re-*
 9 *view procedure for permitting of facilities within or*
 10 *adjacent to the Area.*

11 (6) *WATER FACILITIES.*—*Nothing in the estab-*
 12 *lishment of the Area shall affect the continuing use*
 13 *and operation, repair, rehabilitation, expansion, or*
 14 *new construction of water supply facilities, water and*
 15 *wastewater treatment facilities, stormwater facilities,*
 16 *public utilities, and common carriers.*

17 (7) *WATER AND WATER RIGHTS.*—*Nothing in the*
 18 *establishment of the Area shall be considered to au-*
 19 *thorize or imply the reservation or appropriation of*
 20 *water or water rights for any purpose.*

21 (b) *RESTRICTIONS ON COMMISSION AND SEC-*
 22 *RETARY.*—*Nothing in this Act shall be construed to vest in*
 23 *the Commission or the Secretary the authority to—*

24 (1) *require a Federal agency, State agency, po-*
 25 *litical subdivision of the State, or private person to*

1 *participate in a project or program carried out by the*
 2 *Commission or the Secretary under the Act;*

3 *(2) intervene as a party in an administrative or*
 4 *judicial proceeding concerning the application or en-*
 5 *forcement of a regulatory authority of a Federal agen-*
 6 *cy, State agency, or political subdivision of the State,*
 7 *including, but not limited to, authority relating to—*

8 *(A) land use regulation;*

9 *(B) environmental quality;*

10 *(C) licensing;*

11 *(D) permitting;*

12 *(E) easements;*

13 *(F) private land development; or*

14 *(G) other occupational or access issue;*

15 *(3) establish or modify a regulatory authority of*
 16 *a Federal agency, State agency, or political subdivi-*
 17 *sion of the State, including authority relating to—*

18 *(A) land use regulation;*

19 *(B) environmental quality; or*

20 *(C) pipeline or utility crossings;*

21 *(4) modify a policy of a Federal agency, State*
 22 *agency, or political subdivision of the State;*

23 *(5) attest in any manner the authority and ju-*
 24 *risdiction of the State with respect to the acquisition*
 25 *of lands or water, or interest in lands or water;*

1 (6) *vest authority to reserve or appropriate*
 2 *water or water rights in any entity for any purpose;*

3 (7) *deny, condition, or restrict the construction,*
 4 *repair, rehabilitation, or expansion of water facilities,*
 5 *including stormwater, water, and wastewater treat-*
 6 *ment facilities; or*

7 (8) *deny, condition, or restrict the exercise of*
 8 *water rights in accordance with the substantive and*
 9 *procedural requirements of the laws of the State.*

10 (c) *SAVINGS PROVISION.—Nothing in this Act shall di-*
 11 *minish, enlarge, or modify a right of a Federal agency,*
 12 *State agency, or political subdivision of the State—*

13 (1) *to exercise civil and criminal jurisdiction*
 14 *within the Area; or*

15 (2) *to tax persons, corporations, franchises, or*
 16 *property, including minerals and other interests in or*
 17 *on lands or waters within the urban river corridor*
 18 *portions of the Area.*

19 **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) *COMMISSION.—*

21 (1) *IN GENERAL.—There are authorized to be ap-*
 22 *propriated not to exceed \$250,000 to the Commission*
 23 *to carry out this Act.*

24 (2) *MATCHING FUNDS.—Funds may be made*
 25 *available pursuant to this section only to the extent*

1 *they are matched by equivalent funds or in-kind con-*
2 *tributions of services or materials from non-Federal*
3 *sources.*

S 342 RS——2

S 342 RS——3

S 342 RS——4

S 342 RS——5